

AMENDED IN SENATE FEBRUARY 12, 1999

AMENDED IN SENATE FEBRUARY 9, 1999

CALIFORNIA LEGISLATURE—1999–2000 FIRST EXTRAORDINARY SESSION

SENATE BILL

No. 1

Introduced by Senator Alpert

January 19, 1999

An act to add Chapter 6.1 (commencing with Section 52050) to Part 28 of the Education Code, relating to school performance, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1, as amended, Alpert. Education accountability.

Existing law requires each school district, charter school, and county office of education to administer to each of its pupils in grades 2 to 11, inclusive, an achievement test designated by the State Board of Education as part of the Standardized Testing and Reporting program.

This bill would establish the Public School Performance Accountability Program that would consist of a state Academic Performance Index, known as the API, an Immediate Intervention/Underperforming Schools Program, and a Governor's High Achieving/Improving Schools Program.

This bill would require the Superintendent of Public Instruction, with approval of the State Board of Education, by July 1, 1999, to develop the Academic Performance Index (API), consisting of a variety of indicators, to be used to

measure performance of schools, especially the academic performance of pupils. The bill would require the Superintendent of Public Instruction to develop and the State Board of Education to adopt, based on the API, expected annual percentage growth targets for all schools based on their API baseline score as measured in July 1999 and would prescribe a minimum percentage growth target of 5% annually and authorize the State Board of Education to set differential growth targets based on grade level of instruction and set higher growth targets for the lowest performing schools. Upon adoption of state performance standards by the State Board of Education, the Superintendent of Public Instruction would be required to recommend and the State Board of Education would be required to adopt, a statewide API performance target that represents the proficiency level required to meet the state academic content standards. The bill would provide that only comprehensive high schools, middle, and elementary schools with populations of 100 or more pupils may be included in the API ranking, and would require the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop an alternative accountability system for schools with fewer than 100 pupils, and for county schools, community schools, and alternative schools by July 1, 2000. *The bill would also require the Superintendent of Public Instruction to establish an advisory committee to advise the Superintendent of Public Instruction and the State Board of Education on matters relative to the programs established by the bill.*

This bill would establish an Immediate Intervention/Underperforming Schools Program and would require the Superintendent of Public Instruction, with the approval of the State Board of Education, by August 15, 1999, to invite schools that scored below the 50th percentile on the Standardized Testing and Reporting program achievement tests both in the spring of 1998 and in the spring of 1999 to participate in the program. This program would be limited to 200 schools, with no more than 140 elementary schools, 36 middle schools and 24 high schools. This bill would impose a state-mandated local program by providing that if fewer than the number of schools in any grade level category apply,



schools that scored below the 50th percentile in those grades may be randomly selected to participate in this program. A school selected to participate on or before September 1, 1999, would be awarded a planning grant ranging from \$25,000 to \$50,000, based on criteria that would be developed by the Superintendent of Public Instruction and approved by the State Board of Education. A school selected after September 1, 1999, would receive the award if funds appropriated for this purpose in the Budget Act.

This bill would require the Superintendent of Public Instruction to develop and the State Board of Education to approve minimum qualifications for external evaluations, and with the approval of the State Board of Education to establish a list of external evaluators, and would require by October 1 of the year a school is selected to participate in the program, the governing board of a school district having jurisdiction over a school selected for participation in the Immediate Intervention/Underperforming Schools Program to appoint an external evaluator and a broad-based schoolsite and community team, consisting of a majority of nonschoolsite personnel. The bill would require the selected external evaluator to complete a review of the school by December 15 of the year a school is selected to participate in the program, that identifies weaknesses that contribute to the school's below-average performance and makes recommendations for improvement. The external evaluator and a broad-based schoolsite would be required to develop an action plan with prescribed components to improve the academic achievement of the pupils enrolled at the school, including percentage growth targets at least as high as the annual growth targets adopted by the State Board of Education, submit the plan to the governing board of the school districts for its approval, and after the plan is approved, but no later than March 15 of the year that follows the year a school is selected to participate in the program, and would require the plan to be submitted to the Superintendent of Public Instruction with a request for funding in the form prescribed by the Superintendent of Public Instruction. Approval by the State Board of Education of the request for funding to implement a school's action plan would be conclusively



presumed to grant a waiver of all code sections, regulations, or programs identified by the school board as impediments to improving performance by an external evaluator and contained in the school's action plan. A school whose application is approved on or before August 1, 1999, would receive funding, in each fiscal year that it participates in the program, in an amount equal to \$150 per pupil enrolled in the school. A school that applies after August 1, 1999, may receive funding if funds are appropriated for this purpose in the Budget Act. These schools would be required to match from its existing sources of funding.

This bill would require the governing board of a school that fails to meet its annual short-term growth target at the end of the first year of participating in the program to hold a public hearing at a regularly scheduled meeting to ensure that members of the school community are aware of the lack of progress, and to impose more serious consequences, including, but not limited to, allowing pupils to attend another public school in the district and placing the school principal on probation.

This bill would provide that after 2 years of participating in the program, a school that meets or exceeds its growth target each year shall receive a monetary award, under the Governor's Performance Award program, a school that has not met its performance goals, but demonstrates significant growth, as determined by the State Board of Education, shall continue to participate in the program for an additional year and to receive funding, and a school that does not meet its performance goals after two years of participating in the program and has failed to show significant growth, as determined by the State Board of Education, would be deemed an educationally deficient school.

This bill would provide that with respect to an educationally deficient school, the Superintendent of Public Instruction would be required to assume all the legal rights, duties, and powers of the governing board, and, in consultation with the State Board of Education and the governing board of the school district, would reassign the principal of that school and would grant broad power to take other enumerated actions.



This bill would establish a High Achieving/Improving Schools Program and would require the Superintendent of Public Instruction, commencing in June 2000, and every June thereafter, with approval of the State Board of Education, to rank all public schools based on the API by grade level of instruction provided and including elementary, middle, and high school. The bill would require, commencing in June 2001, that the rankings indicate the target annual growth rates and the actual growth rates attained by the schools, would require the Superintendent of Public Instruction to annually publish these rankings on the Internet. This bill would require, commencing in July 2000, and every July thereafter, the governing board of each school district shall hold a hearing to discuss the results of the annual ranking, thereby imposing a state-mandated local program.

This bill would provide that a school that is eligible to participate in the Governor's Performance Award Program may elect to present a list of code sections, regulations, or programs subject to waiver by the State Board of Education that the school has identified as unnecessary for the continued improvement of pupil performance, and the approval by the board of a school for inclusion in this award program is conclusively presumed to grant a waiver of all code sections, regulations, or programs identified by the school. The bill would also require that a school that demonstrates significant growth be granted maximum flexibility in its expenditure of existing categorical funds to enable the school to continue improvement in pupil performance.

This bill would provide that commencing with the 2000-01 school year, a school that fails to meet the established annual state growth targets may be subject to the Immediate Intervention/Underperforming Schools Program.

This bill would require the State Board of Education to establish a Governor's Performance Award program to provide monetary awards to schools that meet or exceed API performance growth targets, and would provide that all schools, including schools participating in the Immediate Intervention/Underperforming Schools Program are eligible to participate in the Governor's Performance Award program.



This bill would appropriate \$192,300,000 to the Superintendent of Public Instruction for the purposes of its provisions, of which \$160,000,000 would be appropriated from the General Fund and \$32,300,000 would be appropriated from the Federal Trust Fund.

The funds appropriated from the General Fund by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 6.1 (commencing with Section
2 52050) is added to Part 28 of the Education Code, to read:

3
4 CHAPTER 6.1. ~~PUBLIC SCHOOL PERFORMANCE~~
5 ACCOUNTABILITY ACT

6
7 Article 1. ~~Legislative Findings and Declarations~~

8
9 52050. ~~The Legislature finds and declares all of the~~
10 ~~following:~~

11 (a) ~~The enactment of a comprehensive academic~~
12 ~~accountability system that holds students, teachers,~~
13 ~~administrators, and school communities accountable for~~
14 ~~annual, measurable student academic achievement~~
15 ~~would be beneficial to the educational system in the state.~~



1 ~~(b) A comprehensive academic accountability system~~
2 ~~is best accomplished by the development and~~
3 ~~implementation of a comprehensive school~~
4 ~~accountability system that includes all of the following:~~

5 ~~(1) An analytically sound ranking mechanism for all~~
6 ~~public schools in the state that consists of student results~~
7 ~~on state assessments, school attendance rates for students~~
8 ~~and school personnel, and school graduation rates.~~

9 ~~(2) An immediate, staged intervention system for 200~~
10 ~~underperforming schools in the state that features~~
11 ~~evaluation, additional targeted resources, rewards for~~
12 ~~success, and sanctions for failure.~~

13 ~~(3) A long term accountability system that requires~~
14 ~~the Superintendent of Public Instruction to rank all~~
15 ~~schools based on the ranking mechanism and requires all~~
16 ~~schools to report the results of their rank to their~~
17 ~~communities, evidence of improvement toward state~~
18 ~~developed academic achievement targets, rewards for~~
19 ~~success, and sanctions for failure.~~

20
21 *CHAPTER 6.1. PUBLIC SCHOOLS ACCOUNTABILITY ACT OF*
22 *1999*

23
24 *Article 1. Legislative Findings and Intent*

25
26 *52050. This chapter shall be known and may be cited*
27 *as the Public Schools Accountability Act of 1999.*

28 *52050.5. The Legislature finds and declares all of the*
29 *following:*

30 *(a) The purpose of the California public school system*
31 *is to provide for the academic development of each pupil*
32 *and prepare each pupil, to the extent of his or her ability,*
33 *to become a lifelong learner, equipped to live and*
34 *succeed within the economic and societal complexities of*
35 *the 21st century.*

36 *(b) It is in the interest of the people and the future of*
37 *this State to ensure that each child in California receives*
38 *a high quality education consistent with all statewide*
39 *content and performance standards, as adopted by the*



1 State Board of Education, and with a meaningful
2 assessment system and reporting program requirements.

3 (c) Recent assessments indicate that many pupils in
4 California are not now, generally, progressing at a
5 satisfactory rate to achieve a high quality education.

6 (d) To remedy this, the state is in need of an
7 immediate and comprehensive accountability system to
8 hold each of the state's public schools accountable for the
9 academic progress and achievement of its pupils.

10 (e) Any promising and effective accountability system
11 must be based upon a constructive and collaborative
12 process that seeks to include every stakeholder in the
13 accountability process.

14 (f) Any promising and effective accountability system
15 requires the active involvement of parents and guardians,
16 pupils, educators, community leaders, school boards, and
17 schoolsite teams.

18 (g) The statewide school accountability system must
19 encourage the active participation of parents and
20 guardians, pupils, educators, and the local community in
21 improving pupil achievement.

22 (h) The statewide accountability system must be
23 easily accessible and understandable to parents and
24 others.

25 (i) The statewide accountability system must include
26 rewards that recognize high achieving schools as well as
27 interventions and, ultimately, sanctions for schools that
28 are continuously low performing.

29 (j) It is also the intent of the Legislature that the
30 comprehensive and effective school accountability
31 system primarily focus on increasing academic
32 achievement.

33 (k) To achieve better student performance, it is the
34 intent of the Legislature that any school accountability
35 system do all of the following:

36 (1) Encourage teacher preparation that allows
37 teachers to develop the ability to inspire pupils to become
38 lifelong learners.

39 (2) Encourage teacher preparation and consistent
40 ongoing professional development that serves to develop



1 *competency in content and pedagogy and that allows*
2 *teachers to effectively involve themselves in promoting*
3 *school accountability.*

4 (3) *Encourage the involvement of the community and*
5 *all its stakeholders in the accountability system.*

6 (4) *Encourage local community involvement in*
7 *providing support for education and identifying causes of*
8 *pupil failure and designing programs for remediation.*

9 (5) *Approach accountability with an attitude of*
10 *collaboration encouragement, and correction.*

11 (6) *Developing a state infrastructure that supports*
12 *schools, school districts and county offices of education in*
13 *their efforts to improve pupil achievement and progress.*

14 (7) *Building the capacity of each local community to*
15 *support and sustain high quality educational programs*
16 *and to build the capacity of educators and schools to*
17 *succeed in educating every pupil.*

18

19 Article 2. Public School Performance Accountability
20 Program

21

22 52051. The Public School Performance
23 Accountability Program is hereby established and shall
24 consist of the following three component parts:

25 (a) The state Academic Performance Index, to be
26 known as the API.

27 (b) The Immediate Intervention/Underperforming
28 Schools Program.

29 (c) The Governor's High Achieving/Improving
30 Schools Program.

31 52052. (a) By July 1, 1999, the Superintendent of
32 Public Instruction, with approval of the State Board of
33 Education, shall develop an Academic Performance
34 Index, to be used to measure performance of schools,
35 especially the academic performance of pupils, *and*
36 *demonstrate comparable improvement in academic*
37 *achievement by all numerically-significant ethnic and*
38 *socio-economically disadvantaged subgroups within*
39 *schools.* The index shall consist of a variety of indicators
40 including, but not limited to, the results of the



1 achievement test administered pursuant to Section
 2 60640, attendance rates for pupils and school personnel
 3 for elementary, middle schools, and secondary schools,
 4 and the graduation rates for pupils in secondary schools.
 5 The data collected for the API shall be disaggregated by
 6 *special education status, English language learners,*
 7 socio-economic status and ethnic group. Results of the
 8 achievement tests shall constitute at least 60 percent of
 9 the value of the index.

10 (b) Student scores results from the assessment of the
 11 applied academic skills matrix test developed pursuant to
 12 Section 60604, when available, and a high school exit
 13 exam, when available, shall be incorporated into the API.

14 (c) Based on the API, the Superintendent of Public
 15 Instruction shall develop and the State Board of
 16 Education shall adopt, expected annual percentage
 17 growth targets for all schools based on the their API
 18 baseline score as measured in July 1999. The minimum
 19 percentage growth target shall be 5 percent annually.
 20 However, the State Board of Education, may set
 21 differential growth targets based on grade level of
 22 instruction and may set higher growth targets for the
 23 lowest performing schools, because they have the
 24 greatest room for improvement.

25 (d) Upon adoption of state performance standards by
 26 the State Board of Education, the Superintendent of
 27 Public Instruction shall recommend and the State Board
 28 of Education shall adopt, a statewide API performance
 29 target that represents the proficiency level required to
 30 meet the state academic content standards. When fully
 31 developed, schools may either meet the state standard or
 32 meet their growth targets to be eligible for the
 33 Governor’s Performance Award Program as set forth in
 34 Section 52057.

35 (e) Beginning in June 2000, the API shall be used for
 36 both of the following:

- 37 (1) Measure the progress of schools selected for
 38 participation in the Immediate
 39 Intervention/Underperforming Schools Program
 40 pursuant to Section 52053.



1 (2) Rank all public schools in the state for the purpose
2 of the High Achieving/Improving Schools Program
3 pursuant to Section 52056.

4 (f) Only comprehensive high schools, middle, and
5 elementary schools with populations of 100 or more pupils
6 may be included in the API ranking.

7 (g) By July 1, 2000, the Superintendent of Public
8 Instruction, with the approval of the State Board of
9 Education, shall develop an alternative accountability
10 system for schools with fewer than 100 pupils, and for
11 county schools, community schools, and alternative
12 schools.

13 *52052.5. The Superintendent of Public Instruction*
14 *shall establish a broadly representative and diverse*
15 *advisory committee to advise the Superintendent of*
16 *Public Instruction and the State Board of Education on all*
17 *appropriate matters relative to the creation of the*
18 *Academic Performance Index and the implementation of*
19 *the Immediate Intervention/Underperforming Schools*
20 *Program and the High Achieving/Improving Schools*
21 *Program. Members of the advisory committee shall serve*
22 *without compensation for terms not to exceed two years.*
23 *The State Department of Education shall provide staff to*
24 *the advisory panel.*

25

26 Article 3. Immediate Intervention/Underperforming
27 Schools Program

28

29 52053. (a) The Immediate
30 Intervention/Underperforming Schools Program is
31 hereby established. By August 15, 1999, the
32 Superintendent of Public Instruction, with the approval
33 of the State Board of Education, shall invite schools that
34 scored below the 50th percentile on the achievement
35 tests administered pursuant to Section 60640 both in the
36 spring of 1998 and in the spring of 1999 to participate in
37 the Immediate Intervention/Underperforming Schools
38 Program.

39 (b) The total number of schools participating in the
40 program shall be ~~200~~ 300. Unless subdivision (d) applies,



1 schools that apply will be selected based on the order in
2 which they apply *within ranks of deciles, not to exceed 40*
3 *per decile*, within the following grade level categories:

4 (1) No more than ~~440~~ 210 elementary schools.

5 (2) No more than ~~36~~ 54 middle schools.

6 (3) No more than ~~24~~ 36 high schools.

7 (c) *The 40 schools selected within each decile range*
8 *pursuant to subdivision (b) shall proportionately*
9 *represent elementary, middle, and high schools and shall*
10 *provide statewide proportionate geographic*
11 *representation of urban and rural schools.*

12 (d) If fewer than the number of schools in any
13 grade level category apply, schools that scored below the
14 50th percentile in those grade level categories that did
15 not apply for the program shall randomly be selected by
16 the Superintendent of Public Instruction, with the
17 approval of the State Board of Education, to participate
18 based on their proportional representation in the state
19 until the number of schools in each grade level category
20 set forth in subdivision (b) is achieved.

21 ~~(d)~~

22 (e) If more than the requisite number of schools apply
23 for any grade level category, the Superintendent of
24 Public Instruction shall select an array of schools that
25 reflect a broad range of academic performance of schools
26 that scored below the 50th percentile, until the number
27 of schools in each grade level category set forth in
28 subdivision (b) is achieved.

29 ~~(e)~~

30 (f) A school selected to participate on or before
31 September 1, 1999, shall be awarded a planning grant
32 ranging in amount from twenty-five thousand dollars
33 (\$25,000) to fifty thousand dollars (\$50,000). A school
34 selected to participate after September 1, 1999, may
35 receive a planning grant if funds are appropriated for this
36 purpose in the Budget Act. The actual dollar amount of
37 the planning grant shall be based on criteria developed
38 by the Superintendent of Public Instruction and
39 approved by the State Board of Education.

40 ~~(f)~~



1 (g) Schools selected for participation in the program
2 shall be notified by the Superintendent of Public
3 Instruction no later than September 1.

4 52053.5. (a) The Superintendent of Public
5 Instruction shall develop, and the State Board of
6 Education shall approve, the minimum qualifications for
7 external evaluators that shall include, but may not be
8 limited to, recent successful professional, managerial or
9 governing board experience in improving school
10 achievement, and the ability to assist the school to
11 systematically align curriculum, instruction, and
12 assessment. *The external evaluators shall also have*
13 *demonstrated experience in working with diverse*
14 *populations.* With the approval of the State Board of
15 Education, the Superintendent of Public Instruction shall
16 establish a list of external evaluators that meet the
17 minimum qualifications. The list of approved external
18 evaluators may include private sector experts,
19 institutions of higher education, county offices of
20 education, and educational consortia.

21 (b) The Superintendent of Public Instruction shall
22 develop, and the State Board of Education shall approve,
23 the standards and criteria to be applied by external
24 evaluators in carrying out their duties. The standards and
25 criteria shall include, but are not limited to, the following
26 areas:

27 (1) Governing board policies, responsibilities, and
28 boardmanship.

29 (2) Curriculum management.

30 (3) Fiscal management.

31 (4) Parental and community involvement.

32 (5) Personnel management.

33 (6) Facilities management.

34 52054. (a) By October 1 of the year that the school is
35 selected to participate, the governing board of a school
36 district having jurisdiction over a school selected for
37 participation in the program shall appoint an external
38 evaluator from the list of external evaluators and shall
39 appoint a broad-based schoolsite and community team,
40 consisting of a majority of nonschoolsite personnel.



1 (b) By December 15 of the year that the school is
2 selected to participate, the selected external evaluator
3 shall complete a review of the school that identifies
4 weaknesses that contribute to the school's below average
5 performance and makes recommendations for
6 improvement.

7 (c) By March 15 of the year that follows the year the
8 school is selected to participate, the external evaluator
9 and the schoolsite and community team selected
10 pursuant to subdivision (a) shall develop an action plan
11 to improve the academic achievement of the pupils
12 enrolled at the school. The action plan shall include
13 percentage growth targets at least as high as the annual
14 growth targets adopted by the State Board of Education
15 pursuant to Section 52052.

16 (d) At a minimum, the action plan shall do all of the
17 following:

18 (1) Review and include the school and district
19 conditions identified in the school accountability report
20 card pursuant to Section 33126.

21 (2) Identify the current barriers at the school and
22 district toward improvements in pupil achievement.

23 (3) Identify schoolwide and districtwide strategies to
24 remove these barriers.

25 (4) Examine and consider disaggregated data
26 regarding pupil achievement and other indicators to
27 ensure that all groups and types of pupils make adequate
28 progress toward short-term growth targets and long-term
29 performance goals. The disaggregated data to be
30 included and considered by the plan shall, at a minimum,
31 provide information regarding the achievement of
32 English learners, economically disadvantaged pupils, and
33 other groups of pupils.

34 (5) Set short-term academic objectives pursuant to
35 Section 52052 for a two-year period that will allow the
36 school to make adequate progress toward the growth
37 targets established for all participating schools for pupil
38 achievement as measured by all of the following:

39 (A) The achievement test administered pursuant to
40 Section 60640.



1 (B) Graduation rates for grades 7 to 12, inclusive.
2 (C) Attendance rates for pupils and school personnel
3 for elementary, middle schools, and secondary schools.
4 (D) Progress towards meeting state and local content
5 and performance standards.
6 (e) The school action plan shall focus on identifying
7 and developing solutions that take into account the
8 underlying causes for low performance by pupils.
9 (f) The team, in the development of the action plan,
10 shall consult with the exclusive representatives of
11 employee organizations, where they exist.
12 (g) Upon its completion, the action plan shall be
13 submitted to the governing board of the school districts
14 for its approval. After the plan is approved, but no later
15 ~~than March~~ *than April* 15 of the year that follows the year
16 the school is selected to participate, the plan shall be
17 submitted to the Superintendent of Public Instruction
18 with a request for funding in the form prescribed by the
19 Superintendent of Public Instruction.
20 (h) By May 15 of the year that follows the year the
21 school is selected to participate, the State Board of
22 Education shall review and recommend approval or
23 disapproval for all requests for funding, based on the
24 recommendations of the Superintendent of Public
25 Instruction. Approval by the State Board of Education of
26 the request for funding to implement a school's action
27 plan shall be conclusively presumed to grant a waiver,
28 pursuant to Section 44670.7, of all code sections,
29 regulations, or programs identified by the governing
30 board of the school district as impediments to improving
31 performance by an external evaluator and contained in
32 a school's action plan.
33 52054.5. A school whose application is approved on or
34 before August 1, 1999, shall receive a grant for
35 implementing the program, in each fiscal year that it
36 participates in the program, in an amount equal to one
37 hundred fifty dollars (\$150) per pupil enrolled in the
38 school. A school that applies after August 1, 1999, may
39 receive a grant for implementing the program if funds
40 are appropriated for this purpose in the Budget Act. As



1 a condition of receiving this funding, a participating
2 school or the school district having jurisdiction over that
3 school shall match the amount of state funding from its
4 existing sources of funding. To help meet this matching
5 requirement, a participating school and the governing
6 board of the school district having jurisdiction over that
7 school shall receive maximum flexibility in the
8 expenditure of their existing categorical funds and shall
9 target all necessary funds to their academic improvement
10 plan.

11 52055. The governing board of a school that fails to
12 meet its annual short-term growth target at the end of the
13 first year of participating in the program shall hold a
14 public hearing at a regularly scheduled meeting to ensure
15 that members of the school community are aware of the
16 lack of progress. The governing board of the school
17 ~~district shall, notwithstanding any other provision of law,~~
18 ~~impose more serious consequences, including, but not~~
19 ~~limited to, allowing pupils to attend another public school~~
20 ~~in the district and placing the school principal on~~
21 ~~probation.~~ *district shall, upon consultation with the*
22 *external evaluator and the schoolsite and community*
23 *team selected pursuant to Section 52054, chose from a*
24 *range of sanctions for the school, including reassignment*
25 *of school personnel, negotiation of site-specific*
26 *amendments to collective bargaining agreements, or*
27 *other changes deemed appropriate, in order to continue*
28 *implementing the action plan approved pursuant to*
29 *Section 51054, and to make progress toward meeting the*
30 *school's growth targets.*

31 52055.5. (a) After two years of participating in the
32 program, a school that meets or exceeds its growth target
33 each year shall receive a monetary *or nonmonetary*
34 award, under the Governor's Performance Award
35 Program, as set forth in Section 52057. Funds received
36 from this program shall be used at the school's discretion.

37 (b) After two years of participating in the program, a
38 school that has not met its performance goals, but
39 demonstrates significant growth, as determined by the
40 State Board of Education, shall continue to participate in



1 the program for an additional year and to receive funding
2 in the amount specified in Section 52054.5.

3 (c) A school that does not meet its performance goals
4 after two years of participating in the program and has
5 failed to show significant growth, as determined by the
6 State Board of Education, shall be deemed an
7 educationally deficient school. Notwithstanding any
8 other provision of law, the Superintendent of Public
9 Instruction shall assume all the legal rights, duties, and
10 powers of the governing board with respect to that
11 school. The Superintendent of Public Instruction, in
12 consultation with the State Board of Education and the
13 governing board of the school district, shall reassign the
14 principal of that school. In addition to reassigning the
15 principal, the Superintendent of Public Instruction, in
16 consultation with the State Board of Education, shall,
17 notwithstanding any other provision of law, do at least
18 one of the following:

19 (1) Revise attendance options for pupils to allow them
20 to attend any public school.

21 (2) Allow parents to apply directly to the State Board
22 of Education for the establishment of a charter school and
23 allow parents to establish the charter school at the
24 existing schoolsite.

25 (3) Under the supervision of the Superintendent of
26 Public Instruction, assign the management of the school
27 to a college, university, county office of education, or
28 other appropriate educational institution. However, the
29 Superintendent of Public Instruction may not assume the
30 management of the school.

31 (4) Reassign other certificated employees of the
32 school.

33 (5) Renegotiate a new collective bargaining
34 agreement at the expiration of the existing collective
35 bargaining agreement.

36 (6) Reorganize the school.

37 (7) Close the school.

38 (8) *Take any other action considered necessary or*
39 *desirable against the school district or the school district*
40 *governing board, including appointment of a new*



1 *superintendent, suspension of the authority of the*
2 *governing board, or removal of the members of the*
3 *board.*

4

5 Article 4. High Achieving/Improving Schools
6 Program

7

8 52056. (a) The High Achieving/Improving ~~School~~
9 *Schools* Program is hereby established. Commencing in
10 June 2000, and every June thereafter, the Superintendent
11 of Public Instruction, with approval of the State Board of
12 Education, shall rank all public schools based on the
13 Academic Performance Index established pursuant to
14 Section 52052. The schools shall be ranked by grade level
15 of instruction provided and shall include three categories:
16 elementary, middle, and high school. Commencing in
17 June 2001, the rankings shall indicate the target annual
18 growth rates and the actual growth rates attained by the
19 schools. The Superintendent of Public Instruction shall
20 annually publish these rankings on the Internet.

21 (b) Commencing in July 2000, and every July
22 thereafter, all schools shall report their ranking, including
23 a description of the components of the ranking, in their
24 annual school accountability report card pursuant to
25 Sections 33126 and 35256.

26 (c) Commencing in July 2000, and every July
27 thereafter, the governing board of each school district
28 shall hold a hearing to discuss the results of the annual
29 ranking.

30 52056.5. Commencing with the 2000–01 fiscal year, a
31 school that fails to meet annual state growth targets
32 established pursuant to Section 52052 may, as determined
33 by the Superintendent of Public Instruction with the
34 approval of the State Board of Education, be subject to
35 the Immediate Intervention/Underperforming Schools
36 Program pursuant to subdivisions (e) and (f) of Section
37 52053, and Sections 52053.5, 52054, 52054.5, 52055, and
38 52055.5.

39 52057. (a) The State Board of Education shall
40 establish a Governor’s Performance Award Program to



1 provide monetary *and nonmonetary* awards to schools
2 that meet or exceed API performance growth targets
3 established pursuant to Section 52052, *and demonstrate*
4 *comparable improvement in academic achievement by*
5 *all numerically-significant ethnic and socio-economically*
6 *disadvantaged subgroups within schools.*

7 (b) All schools, including schools participating in the
8 Immediate Intervention/Underperforming Schools
9 Program are eligible to participate in the Governor's
10 Performance Award Program. The manner and form in
11 which the *monetary and nonmonetary* awards are given
12 shall be established by the Superintendent of Public
13 Instruction and approved by the State Board of
14 Education. ~~These~~ *The monetary* awards shall be made
15 available on either a per pupil or per school basis, not to
16 exceed one hundred fifty dollars (\$150) per pupil
17 enrolled and subject to funds appropriated in the annual
18 Budget Act. A school that continues to show
19 improvement in successive years is eligible to receive
20 annual bonuses.

21 (c) *In addition to or in substitution of monetary*
22 *awards, the Superintendent of Public Instruction may*
23 *establish, upon approval by the State Board of Education,*
24 *nonmonetary awards that may include, but are not*
25 *limited to, classification as a distinguished school, listing*
26 *on a published public school honor roll, and public*
27 *commendations by the Governor and the Legislature.*

28 (d) A school that is eligible to participate in the
29 Governor's Performance Award Program may elect to
30 present a list of code sections, regulations, or programs
31 subject to waiver pursuant to Section 44670.7 that the
32 school has identified as unnecessary for the continued
33 improvement of pupil performance at the school.
34 Approval by the State Board of Education of a school for
35 inclusion in the Governor's Performance Award Program
36 shall be conclusively presumed to grant a waiver of all
37 code sections, regulations, or programs identified by the
38 school as unnecessary for the continued improvement of
39 pupil performance.

40 (d)



1 (e) A school that demonstrates significant growth shall
2 be granted maximum flexibility in its expenditure of
3 existing categorical funds to enable the school to continue
4 improvement in pupil performance.

5 52058. (a) *By January 31, 2002, each school district*
6 *with schools participating in the Immediate*
7 *Intervention/Underperforming Schools Program*
8 *established pursuant to Section 52053 shall submit to the*
9 *Superintendent of Public Instruction an evaluation of the*
10 *impact, costs, and benefits of the program as it relates to*
11 *the school district and the schools under its jurisdiction*
12 *that are participating in the program and whether or not*
13 *the schools met their growth targets, with an analysis of*
14 *the reasons why the schools have or have not met those*
15 *growth targets.*

16 (b) *By January 15, 2000, the Superintendent of Public*
17 *Instruction shall develop, and the State Board of*
18 *Education shall approve, the guidelines for a request for*
19 *proposal for an independent evaluator as described in this*
20 *subdivision. By March 15, 2000, the Superintendent of*
21 *Public Instruction shall contract with an independent*
22 *evaluator to prepare a comprehensive evaluation of the*
23 *implementation, impact, costs, and benefits of the*
24 *Immediate Intervention/Underperforming Schools*
25 *Program and the High Achieving/Improving Schools*
26 *Program. The preliminary results of the evaluation shall*
27 *be disseminated to the Legislature, the Governor, and*
28 *interested parties no later than March 31, 2002, with a*
29 *final report no later than June 30, 2002. The final report*
30 *shall include recommendations for necessary or desirable*
31 *modifications to the programs established pursuant to this*
32 *chapter.*

33 (c) *The evaluations shall consider both of the*
34 *following:*

35 (1) *Pupil performance data, including, but not limited*
36 *to, results of assessments used to determine whether or*
37 *not schools have made significant progress towards*
38 *meeting their growth targets.*

39 (2) *Program implementation data, including, but not*
40 *limited to, a review of startup activities, community*



1 support, parental participation, and staff development
2 activities associated with implementation of the program.

3 (d) The Superintendent of Public Instruction shall
4 recommend and the State Board of Education shall
5 approve a schedule for biennial evaluations of the
6 programs established pursuant to this chapter,
7 subsequent to the evaluation required by this section. The
8 biennial evaluations shall be submitted, with appropriate
9 recommendations, by June 30 of every even-numbered
10 year, commencing with the year 2004.

11 SEC. 2. (a) The sum of one hundred ninety-two
12 million three hundred thousand dollars (\$192,300,000) is
13 hereby appropriated according to the following schedule:

14 (1) ~~Ten million dollars (\$10,000,000)~~ *Thirty-five*
15 *million dollars (\$35,000,000)* from the General Fund to
16 the Superintendent of Public Instruction for allocation to
17 school districts for purposes of providing funding for
18 planning and grants for implementing the Immediate
19 Intervention/Underperforming Schools Program as set
20 forth in Article 3 (commencing with Section 52053) of
21 Chapter 6.1 of Part 28 of the Education Code.

22 (2) Thirty-two million three hundred thousand dollars
23 (\$32,300,000) from the Federal Trust Fund to the
24 Superintendent of Public Instruction for allocation to
25 school districts for purposes of providing funding for
26 planning and grants for implementing the Immediate
27 Intervention/Underperforming Schools Program as set
28 forth in Article 3 (commencing with Section 52053) of
29 Chapter 6.1 of Part 28 of the Education Code.

30 (3) ~~One hundred fifty million dollars (\$150,000,000)~~
31 *One hundred twenty-five million dollars (\$125,000,000)*
32 from the General Fund to the Superintendent of Public
33 Instruction for allocation to school districts that meet or
34 exceed performance growth targets established by the
35 board pursuant to the High Achieving/Improving ~~School~~
36 *Schools* Program as set forth in Article 4 (commencing
37 with Section 52056) of Chapter 6.1 of Part 28 of the
38 Education Code.

39 (b) For the purposes of making the computations
40 required by Section 8 of Article XVI of the California



1 Constitution, the appropriation made by paragraphs (1)
 2 and (3) shall be deemed to be “General Fund revenues
 3 appropriated for school districts,” as defined in
 4 subdivision (c) of Section 41202 of the Education Code,
 5 for the 1999–2000 fiscal year, and included within the
 6 “total allocations to school districts and community
 7 college districts from General Fund proceeds of taxes
 8 appropriated pursuant to Article XIII B,” as defined in
 9 subdivision (e) of Section 41202 of the Education Code,
 10 for the 1999–2000 fiscal year.

11 SEC. 3. Notwithstanding Section 17610 of the
 12 Government Code, if the Commission on State Mandates
 13 determines that this act contains costs mandated by the
 14 state, reimbursement to local agencies and school
 15 districts for those costs shall be made pursuant to Part 7
 16 (commencing with Section 17500) of Division 4 of Title
 17 2 of the Government Code. If the statewide cost of the
 18 claim for reimbursement does not exceed one million
 19 dollars (\$1,000,000), reimbursement shall be made from
 20 the State Mandates Claims Fund.

21 Notwithstanding Section 17580 of the Government
 22 Code, unless otherwise specified, the provisions of this act
 23 shall become operative on the same date that the act
 24 takes effect pursuant to the California Constitution.

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